

ENVIRONMENTAL ASSESSMENT AND FINDING OF
NO SIGNIFICANT IMPACT
FOR THE
FINAL RULE
AMENDING 10 CFR PARTS 51, 61, 70, 72, 73, 74, 75, 76, and 150
Material Control and Accounting Amendments

Office of Nuclear Material Safety and Safeguards
U.S. Nuclear Regulatory Commission
March 2002

I. THE PROPOSED ACTION

The proposed action is to amend the material control and accounting (MC&A) regulations. The MC&A requirements for facilities possessing special nuclear material (SNM) of moderate strategic significance (also called Category II facilities) are being revised to be risk informed.

II. THE NEED FOR THE PROPOSED ACTION

In 1982, NRC staff initiated an effort to move the MC&A requirements from Part 70 to Part 74 and to make the requirements more risk informed and performance oriented. In 1985, the MC&A requirements for Category III facilities were made more performance oriented and moved to Part 74. The requirements for Category I facilities were made more performance oriented and moved in 1987. The MC&A requirements for Category II facilities and the general MC&A requirements are still interspersed among the safety and general licensing requirements of Part 70. In addition, the requirements for Category II facilities still contain some overly prescriptive requirements. The rule represents the final stage and would result in the movement of the remaining general and Category II MC&A requirements and in making the Category II requirements risk informed.

III. ENVIRONMENTAL IMPACTS OF PROPOSED ACTION

The amendments to make the MC&A requirements for Category II facilities more risk informed should not have any measurable or identifiable impact on the environment. The basic requirements remain unchanged. The rule will not result in changes in a licensee's processes or manufacturing procedures and, therefore, will not affect or alter any release of effluents to the environment. There could be some occupational radiation exposure resulting from safeguards related activities such as data recording, inspection support, sample taking, and laboratory support. All of these activities are normal and are currently required and are expected to be a tiny fraction of those required for overall plant operations. The safeguards activities that take place are procedural in nature and are a minor fraction of overall plant operation. The amendments will not involve any significant environmental impact.

IV. ENVIRONMENTAL JUSTICE

The NRC has committed to complying with Executive Order 12898 - Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, dated February 11, 1994, in all its actions. The NRC uses the following working definition of "environmental justice": the fair treatment and meaningful involvement of all people, regardless of race, ethnicity, culture, income, or educational level with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. No significant environmental impacts have been identified, and the NRC has determined that there are no disproportionate, high, and adverse impacts on minority and low-income populations. Consequently, further evaluation of environmental justice concerns, as outlined in Executive Order 12898, is not warranted.

V. ALTERNATIVES TO THE PROPOSED ACTION

This proposed action will provide a risk-informed regulatory base for the MC&A requirements for a Category II facility. The alternative to this proposed action is to take no action. This would leave in place the more prescriptive requirements and not provide potential licensees with the flexibility to operate its MC&A program in the more efficient and less burdensome manner. This alternative was rejected because it would not provide the benefits to the licensee of a more flexible program.

VI. ALTERNATIVE USE OF RESOURCES

There are no irreversible commitments of resources determined in this assessment.

VII. AGENCIES AND PERSONS CONTACTED

No agencies or persons outside the NRC were contacted in connection with the preparation of this environmental assessment. The NRC requested the views of the States on the environmental assessment for this rule. The NRC did not receive any comments from the States.

VIII. FINDING OF NO SIGNIFICANT IMPACT

The Commission has determined under the National Environmental Policy Act of 1969, as amended, and the Commission's regulations in Subpart A of 10 CFR Part 51, that the proposed

amendments are not a major Federal action significantly affecting the quality of the human environment, and therefore, an environmental impact statement is not required. The proposed amendments would establish risk-informed MC&A requirements for Category II facilities. The proposed amendments are procedural in nature, and of themselves would have no significant impact on the environment.

The determination of this environmental assessment is that there will be no significant impact to the public from this action. However, the general public should note that the NRC welcomes public participation. The NRC has also committed to complying with Executive Order 12898 - Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, dated February 11, 1994, in all its actions. Therefore, the NRC has also determined that there are no disproportionate, high, and adverse impacts on minority and low-income populations. The NRC requested public comments on any environmental justice considerations that may be related to this rule. The NRC did not receive any comments on the environmental assessment.